

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

S.A. VAKILIAN , Administrator of the ESTATE
OF MOHAMMAD M. VAKILIAN, M.D.,

Plaintiff,

CIVIL ACTION NO. 00 CV 60459 AA

v.

DISTRICT JUDGE MARIANNE O. BATTANI

WESLEY SHAW,

MAGISTRATE JUDGE VIRGINIA MORGAN

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO COMPEL DISCOVERY
AND GRANTING DEFENDANT'S MOTION FOR PROTECTIVE ORDER**

This matter is before the court on Plaintiff's Motion to Compel Discovery filed July 29, 2005 (D/E 77) and Defendant's Motion for Protective Order filed August 8, 2005. A hearing on the motions was held before the magistrate judge on September 28, 2005. For the reasons stated on the record,

IT IS ORDERED that Defendant's Motion for Protective Order IS GRANTED.

In regards to plaintiff's motion to compel:

A. Plaintiff's request for Vakilian File. Defense counsel states, as an officer of the court, that the complete file was produced and counsel knows of no purposeful destruction or redaction of any file. As the complete file has already been produced, the request IS DENIED AS MOOT.

B. Plaintiff's request for prosecutor's file of *Motor City Hospital and Surgical Supply*.

The court's decision in that case, 575 N.W.2d 95, 227 Mich. App. 209 (Mich. App. 1997) may be relevant but the prosecutor's file in that unrelated case is not. The Court's decision and the People's pleadings are a matter of public record and publically accessible. The underlying memos, etc., are not likely to lead to the discovery of admissible evidence and are, therefore, beyond the scope of Rule 26.

IT IS THEREFORE ORDERED that plaintiff's motion to Compel IS DENIED.

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

Dated: October 6, 2005

Proof of Service

The undersigned certifies that a copy of the foregoing order was served on the attorneys of record by electronic means or U.S. Mail on October 6, 2005.

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Morgan